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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO/OAKLAND DIVISION**
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12 ASPIC ENGINEERING AND
13 CONSTRUCTION COMPANY,

14 Petitioner,

15 v.

16 ECC CENTCOM CONSTRUCTORS, LLC
17 AND ECC INTERNATIONAL, LLC,

18 Respondents.
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Case No. 17-CV-00224-YGR

Hon. Yvonne Gonzalez Rogers

**PARTIES' JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
TIME FOR DEFENDANTS TO FILE
RESPONSE AND SETTING HEARING**

Proposed Hearing Date: March 28, 2017 at
2:00 p.m.

Original petition filed: December 28, 2016

Removal filed: January 17, 2017

1 TO THE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR
2 THE NORTHERN DISTRICT OF CALIFORNIA.

3 Petitioner/Plaintiff, Aspic Engineering and Construction Company (“Petitioner”) and
4 Respondents/Defendants, ECC CENTCOM Constructors LLC and ECC International LLC
5 (“Respondents”) (collectively, Petitioner and Respondents are referred to herein as “the Parties”).

6 The Parties jointly stipulate as follows:

- 7 1. This case involves an arbitration award. Petitioner seeks to confirm and correct the
8 award; Respondents intend to seek to vacate the award. The parties held an arbitration
9 in San Mateo County, California and a partial arbitration award was delivered on
10 September 30, 2016 and a final arbitration award was entered on November 14, 2016.
- 11 2. Petitioner filed a petition in the Superior Court for San Mateo County, California to
12 confirm the arbitration according to California law (“the Petition”).
- 13 3. Respondents appeared in the Superior Court on Friday, January 13, 2017 to argue a
14 motion. The Parties dispute whether this constituted a general appearance.
- 15 4. Respondents filed a notice of removal on January 17, 2017.
- 16 5. Petitioner contends that Respondents’ response to the Petition is due February 3, 2017.
17 Respondents contend that their response is due February 7, 2017. Notwithstanding
18 their dispute regarding the proper response deadline, the Parties have jointly agreed and
19 hereby stipulate that Respondents shall have until Friday February 10, 2017 to file a
20 response to the Petition.
- 21 6. Following the filing of the Respondents’ response, the Petition should be ready for
22 consideration on the merits. The Parties jointly request that the Petition be heard on
23 **March 28, 2017 at 2:00 pm**, a date that is more than 35 days following the petition
24 and response.
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1 7. The Superior Court entered a judgment in this case shortly after the filing of the case,
2 before service on Respondents and before Respondents had any opportunity to respond
3 or be heard on the merits. The Parties agree that, in conjunction with the consideration
4 of the Petition and response, the court shall correct, modify or vacate the judgment that
5 was entered in the Superior Court to conform with the decision of this Court.
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7 8. The stipulation and proposed order will not impact any times set by the Court. No trial
8 date has been set in this matter. No previous extensions of time have been granted.
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10 **IT IS SO STIPULATED.**
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12 Respectfully Submitted,

13 February 3, 2017
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15 By: /s/ Walt Pennington
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Respectfully Submitted,

February 3, 2017

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